

MEETING #17 - April 4

At a Joint Meeting of the Madison County Board of Supervisors on April 4, 2018 at 7:00 p.m. in the Madison County Administrative Center Auditorium located at 414 N. Main Street:

PRESENT: R. Clay Jackson, Chairman
Jonathon Weakley, Vice-Chairman
Kevin McGhee, Member
Charlotte Hoffman, Member
Amber Foster, Member
Jack Hobbs, County Administrator
Sean Gregg, Interim County Attorney
Betty Grayson, Zoning Administrator

Planning Commission:

Call to Order

Mr. Yowell advised that tonight's session will involve a public hearing on amendments to County Ordinances

Pledge of Allegiance & Moment of Silence

1. Determination of a Quorum

Mr. Yowell, Commission Chair, noted that a Quorum was present.

2. Approval of Minutes

The minutes of the March 7, 2018 meeting were approved as presented.

3. Action Items:

Mr. Yowell advised

3. Action Items:

Mr. Yowell provided an overview of tonight's meeting process. **Case No. SU-04-18-01 (Historytellers Productions, Inc.) has now been withdrawn from tonight's session by the applicant.** Representatives were asked to approach the podium to provide their name and any information pertinent to tonight's case; questions will be entertained by the Commission members, the public, and then the case will be recommended onto the Madison County Board of Supervisors either for approval, denial or tabling. In closing, he asked that applicants remain for the Madison County Board of Supervisors portion of tonight's meeting.

Mr. Yowell, Chair, advised that Case No. SU-04-18-01 (Request by Historytellers Productions, Inc.) has now been withdrawn from tonight's meeting session.

2018 at 6:34 p.m. by email; a letter was also attached)

- 22-54 b. Case No. S-04-18-02: Request by Martens Family Limited Partnership for a plat of a subdivision of/and to create two (2) lots with residue. Lot A and Lot B will be served by a 50' x 50' common access easement. This property is located on Route 603 (Duet Road) near Duet, zoned A-1. The final plat has been approved by the Madison Health Department and VDOT. All other pertinent information for this case was presented to the Commission at the recent workshop session.

Sharon Rock, Realtor, was present along with Mr. Martens, to provide input on matters pertaining to tonight's request.

After discussion, the Madison County Planning Commission recommended that Case No. S-04-18-02 be presented to the Madison County Board of Supervisors for approval.

- 21-61 c. Case No. SU-04-18-03: Request by the Board of Supervisors of Madison County, Virginia Request by the Board of Supervisors of Madison County, Virginia for an indefinite special use permit to allow the Madison County Historical Society, Inc. to use the two-story structure, formerly used as a residence at the Criglersville School, as a public historical display area (museum). This property is located on Route 670 (1120 Old Blue Ridge Turnpike) and contains 5.830 acres of/and at Criglersville, zoned A-1 with floodplain.

Mr. Yowell, Chair, read comments from VDOT provided on March 30, 2018, to advised that they will take no exception to the proposed used at the location; an email was also received from Susan Fortenberry of the Madison Health Department dated March 22, 2018 that contained comments regarding tonight's request.

Betty Grayson, Zoning Administrator, clarified that the letter was addressed to Wes Smith, Building Official, because he has emailed to assess whether the existing septic could be utilized (i.e. portable water usage).

Mr. Yowell, Chair, read the comments from correspondence received from the Madison Health Department that stated the following:

" Since the water supply at this time (at the Criglersville Elementary School) is regulated by the Office of Drinking Water, they would need to advise the County on how to move forward with the water supply. The district engineer for ODW is Duncan Daugherty (contact information is 540 829 7340). Due to a change in use, the sewage disposal system will need to be evaluated to ensure the septic system from the 1940's is safe and adequate to handle the expected sewage load. There were no septic system regulations in the 1940's so the system may not have been constructed to proper standards. The system components also may have degraded. Due to this system not being a single-family home, it is recommended that a AOSE or PE be hired to perform a safe adequate and proper assessment. Findings will then be reviewed by the Health Department. A list of AOSE's has been attached to this email for reference."

The County Administrator advised that the County has submitted the application on behalf of the Madison County Historical Society, and everything was done in good faith. However, it appears that there was an oversight in addressing zoning and use of the property to house historical artifacts and documents. It appears there are

things that will need to be done (i.e. water, septic, etc.), and it's deemed appropriate to address these matters. In closing, it's hoped that a waiver can be granted by the Madison Health Department for the water.

Comments from the Commission:

- ✓ Charles (Mike) Fisher, Commission member, questioned if the issue regarding water and sewer will prevent the usage being proposed by the County

The County Administrator advised that it's hoped that the County can attain a waiver from the Madison Health Department for the proposed used; the facility will be used intermittently and not as a continuous commercial operation. There are provisions allowed for bottled water and port-a-johns.

- *Supervisor Weakley: Noted that reasons for reporting to the Madison Health Department may be a result of public water systems; the request can be noted as a non-public system which will allow water to be turned on for commodes but not for use as consumption (as has been done for the Old Piedmont Tech Center in Culpeper)*

Mr. Yowell, Chair, noted that the Madison Historical Society and the County are willing to work through the issues in order to satisfy requirements noted by the Madison Health Department.

- ✓ Pete Elliott, Commission member, noted concerns regarding:
 - a. *Statement (made by Ms. Fortenberry) focused on the fact that anything done in the 1940's has probably deteriorated at this time; noted there are problems with several homes in the County due to there being drain fields in place since that time*
 - b. *Comments (made by Ms. Fortenberry) also focused on the old house having been connected to the old school, which isn't correct. Reference was made to research done on the house in the past and there should be information (from Mr. Hickman) that included a study to show what could and couldn't be done at the old house. In closing, it was noted that the system for the school is in the front parking lot and the system to the house is located to the left of the old ball field*

In closing, he questioned if anyone has tested the water or the sewer system, and that ideas are based on assumptions only; noted favor of the intent being presented by the Madison County Historical Society; encouraged the County to assess the distribution box in order to get some use out of the old building. Also suggested the building be offered to the Madison County Historical Society for \$1.00.

- *Chairman Jackson: Advised that Ms. Fortenberry was certified effective Tuesday, 4/3/18*

Reference was also made to the fact that the County is in the process of establishing a committee to assess the future use of the old Criglersville School, and the fact that if the facility is demolished, the site will be affected and may hinder the future usage by the Madison County Historical Society. It was suggested that the Commission look

into approving the special use permit for one year and then review the usage instead of requiring an influx of funding being required from the Madison County Historical Society.

- ✓ Carty Yowell, Commission Chair, advised favor of recommending approval of tonight's request; feels the Board and the Madison County Historical Society will work through tonight's concerns that have been presented; encouraged that the property be utilized in some way

Max Lacy of the Madison County Historical Society was present and advised that the Society's main purpose it to honor the people that were displaced from their homes when the Shenandoah National Park was formed, and would like to have pictures in place to educate folks on what was done, and how the displaced families were treated. It was also noted that the Society does have limited funds, but would like to utilize what's now available for today's endeavor.

Mr. Yowell, Chair, referred to correspondence submitted by the Madison County Board of Supervisors that *'encouraged support of tonight's application for the repurposing of the property that is consistent with Goal 2 of the 2018 Madison County Comprehensive Plan (adopted February 7, 2018) that states "Promote tourism and tourist/visitor related enterprises, attractions and events.....and the associated Strategy 10 toconsider encouraging support groups to establish a peak season satellite Visitor's Center or kiosk near popular SNP trailheads."*

Peter Work, Commission member: Referred to the fact that the County Administrator and Madison County Historical Society have been working together to get necessary approval from the Madison Health Department; verbalized support of tonight's application request

After discussion, the Madison County Planning Commission recommended that Case SU-04-18-03 be presented to the Madison County Board of Supervisors for approval.

Mr. Yowell, Chair, advised that the next commission workshop will be scheduled for April 18, 2018 at 7:00 p.m. At that time, the Commission will be discussing Madison Health Department and VDOT approval matters.

4. Adjournment:

With no further action being required, Mr. Yowell, Chair, adjourned the Madison County Planning Commission portion of tonight's meeting session.

Board of Supervisors:

Call to order

Chairman Jackson called the Board of Supervisors' portion of tonight's meeting to order. All members were noted as being present and a quorum was established.

1. Determine Presence of a Quorum

2. Adoption of Agenda

Chairman Jackson called for additions and/or adoption of tonight's agenda.

Supervisor Hoffman moved that the Board adopt tonight's agenda as presented, seconded by Supervisor Foster.

Aye: Jackson, Weakley, McGhee, Hoffman, Foster. Nay: (0).

3. Action Items:

29-52B a. Case No. SU-04-18-02: Request by Historytellers Productions, Inc. contract purchasers of property owned by Bear Claw Investments LLC for an indefinite special use permit... **(Withdrawn by applicant)**

22-54 b. Case No. S-04-18-02: Request by Martens Family Limited Partnership for a plat of a subdivision...

Supervisor Weakley moved that Case No. S-04-18-02 be approved by the Madison County Board of Supervisors as recommended by the Madison County Planning Commission, seconded by Supervisor McGhee. *Aye: Jackson, Weakley, McGhee, Hoffman, Foster. Nay: (0).*

21-61 c. Case No. SU-04-18-03: Request by the Board of Supervisors of Madison County, Virginia for an indefinite special use permit...

Chairman Jackson noted that reference was made by the Commission on the 'indefinite' portion of the request. He noted that the Madison County Historical Society has a five-year lease with the County, which is the limiting side of the request and that the County will have the option to extend the lease when it is completed.

- *Supervisor Weakley: Questioned if the Board has to approve the request with the condition based on approval by the Madison Health Department*

Sean Gregg, Interim County Attorney, advised that the County didn't need to approve the request based on Madison Health Department approval. However, as a matter of practice, the Madison Health Department can deny any permit if they have reservations about the request being presented.

- *Chairman Jackson: Questioned what types of permits the Madison Health Department has to provide at this time; also questioned if the water or septic field has been tested; also feels the assumptions (made by the Madison Health Department) are incorrect*

Betty Grayson, Zoning Administrator, advised that based on her understanding, the County is requesting a change in use (for

the Madison County Historical Society), which will necessitate approval by the Madison Health Department, and is a building code issue.

- Bill Campbell: Suggested that the Madison Health Department be removed; encouraged the County to hire a certified engineer instead
- Carl Kerby: Referred to the least (with the Madison County Historical Society) being a five-year least; questioned if the time limit will be any constraints on what the Criglersville study can provide, and whether the County will be 'stymied' to take any action until the lease is completed
 - *Chairman Jackson: Noted that in the event the County demolished the facility or sell it, either action shouldn't interfere with the old residence located at the property; also referred to a clause in the contract that refers to what would transpire if the County found another use for the property*
 - *Supervisor Weakley: Noted that there are three (3) parcels on the property (including an acre across the Robinson River)*

Charles Fisher, Commission member, referred to the fact that it may be unknown as to where the actual location of both waterlines on the property

Sean Gregg, Interim County Attorney, referred to section 3 of the least that indicates:

"The term of the lease shall commence on the date hereof (9/12/17) and terminate five (5) years thereafter and then continue for extension(s) of an additional five (5) years for each extension, provided, however, either the Board or the Society may terminate this lease after advance six (6) months written notice to the other."

Reference was made to the location, structure(s) and contents located on each of the parcels (1, 2, 3) at the site.

Betty Grayson, Zoning Administrator, also referred to the fact that the use of port-a-johns is 'grandfathered' for use at the Old Criglersville property.

Additional comments from the Board:

- *Chairman Jackson: Noted that the Madison County Historical Society has been a good tenant of County space; is an asset to the County; verbalized favor of approving tonight's request and feels the endeavor will be an asset to the citizens of Madison County*
- *Supervisor Weakley: Concurred with comments made by Chairman Jackson and Pete Elliott, Commission member; encouraged communication with Mr. Cabbage, check the water, and assess findings*
- *Supervisor McGhee: Verbalized agreement with approval of tonight's request*

Supervisor Hoffman moved that the Board approve Case No. SU-04-18-03 as recommended by the Madison County Planning Commission, seconded by Supervisor Weakley. *Aye: Jackson, Weakley, McGhee, Hoffman, Foster. Nay: (0).*

4. The Madison County Board of Supervisors will hear the following:

Graves Mountain Farms Realty LLLP had a site plan approved by the Madison County Board of Supervisors on May1, 2013 for the layout and construction of Graves Mountain Campground located at 3822 Old Blue Ridge Turnpike (of/Route 670) near Syria. The site plan will expire on May1, 2018 and they are asking for a one-year extension of that site plan by the Board of Supervisors. TM 13-28.

Betty Grayson, Zoning Administrator, advised that based on the County's Site Plan Ordinance, the County can grant a one-year extension or longer if deemed appropriate. Graves' Mountain Lodge, LLLP is asking for a one-year extension only.

Lynn Graves was present and advised that the reason for tonight's extension request is to issues with the Madison Health Department. The site plan is to get the campground going, and the second plan is to install a dump station, bathhouse and implement electrical hook-ups. Concerns with the Madison Health Department relate to the installation of a dump station and hooking it to the septic field, and is recommended through a soil scientist that the system be pumped, taken to a treatment facility, as opposed to putting it back into groundwater. In closing, a letter has just been received to advise that Graves' Mountain Realty, LLLP will be allowed to have a variance, install a dump station, but not hook it to a drain field. A variance has also been given to note that the County will not be required to have a pump and haul in place, but will be the responsibility of Graves' Mountain Lodge, LLLP.

Mr. Graves also noted that once the aforementioned matter is complete, electrical hook-ups will be initiated.

Supervisor Hoffman moved that the Board approve a one-year extension for Graves' Mountain Farms Realty LLLP as requested, seconded by Weakley. *Aye: Jackson, Weakley, McGhee, Hoffman, Foster. Nay: (0).*

5. Information/Correspondence (if any)

Tour of County Facilities

Chairman Jackson: Advised of scheduled tours next week of:

- DSS Building
- Sheriff's Office
- Courthouse
- Chamber Visitor's Center

School Projects

Supervisor Weakley: Questioned if there will be discussion on school projects

Chairman Jackson: Advised that a list has been presented to the CIP Committee; prioritization was made on three (3) large projects (i.e. Madison Primary School, school track, boiler at the SBO); the County Administrator is working on an. RFP

The County Administrator advised that the consensus is that the three (3) aforementioned items are top priority at this time. The second tier will include discussions about cost estimates, etc. Once this has been accomplished, something should be provided to the public for review/information.

CSB

Robert Legge will be providing input on plans for the CSB.

- 6. Closed Session (if necessary)
- 7. Adjournment

With no further action being required, on motion of Supervisor McGhee, seconded by Supervisor Hoffman, Chairman Jackson adjourned tonight's meeting.

R. Clay Jackson, Chairman
Madison County Board of Supervisors

Clark of the Board of the Madison County Board of Supervisors
Adopted on: April 10, 2018
Copies: Board of Supervisors, County Attorney & Constitutional Officers



Agenda
Joint Meeting
Madison County Planning Commission &
Madison County Board of Supervisors
Wednesday, April 4, 2018 at 7:00 P. M.
County Administration Building Auditorium
414 N. Main Street, Madison, Virginia 22727



Planning Commission

Call to Order

Pledge of Allegiance & Moment of Silence

1. Determine Presence of a Quorum
2. Approval of Minutes
3. Action Items:

- 29-52B a. Case No. SU-04-18-01: Request by Historytellers Productions, Inc., contract purchasers of property owned by Bear Claw Investments LLC for an indefinite special use permit to operate a private school. This property is located on Route 652 (Horn Hollow Lane) and contains 50.266 acres of /and near Aylor, zoned Conservation, C-1. **(Case withdrawn by applicant on 3'30'18)**
- 22-54 b. Case No. S-04-18-02: Request by Martens Family Limited Partnership for a plat of a subdivision of/and to create two (2) lots with residue. Lot A and Lot B will be served by a 50' x 50' common access easement. This property is located on Route 603 (Duet Road) near Duet, zoned A-1.
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4. Adjournment

Board of Supervisors

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